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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,412	06/23/2003	Charles Newton Knowles	wlf-15846	2231
40854	7590	06/28/2005		
RANKIN, HILL, PORTER & CLARK LLP 4080 ERIE STREET WILLOUGHBY, OH 44094-7836				
			EXAMINER BOCHNA, DAVID	
			ART UNIT 3679	PAPER NUMBER

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,412

Applicant(s)

KNOWLES ET AL.

Examiner

David E. Bochna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-43, 51-59, 61, 63-70, 72 and 74-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 30-43, 64-69, 72 and 74-82 is/are allowed.
- 6) ☒ Claim(s) 51, 61, 69 and 70 is/are rejected.
- 7) ☒ Claim(s) 52-59 and 63 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 35 and 68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 35 recites the limitation "the strap" in the last line. There is insufficient antecedent basis for this limitation in the claim.

Claim 68 recites the limitation "the one-piece collar" in the last line. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 51 and 61 are rejected under 35 U.S.C. 102(e) as being anticipated by Dallai et al.

In regard to claim 51, Dallai et al. discloses a coupling apparatus ("adapted to fluidly couple a first conduit section to a second conduit section, said first conduit section defining a

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first conduit section lumen and said second conduit section defining a second conduit section lumen” is considered intended use and is given little patentable weight if the prior art is capable of fulfilling the intended function, in this case ends of pipes 13 and 14 could be inserted into another conduit section), the coupling apparatus comprising;

a male fitting comprising a first rigid insert 13 and a shell 11, said first rigid insert having a cylindrical body with a proximal end and a distal end and defining a central lumen, said shell 11 having a proximal end and a distal end, wherein the shell proximal end is affixed to the distal end of said first rigid insert so as to extend integrally therefrom, said first rigid insert 13 being adapted to extend into said first conduit section lumen such that said shell projects from said first conduit section;

a female fitting comprising a second rigid insert 14 and a socket 12, said second rigid insert having a cylindrical body with a proximal end and a distal end and defining a central lumen, said socket having a proximal end and a distal end, said socket proximal end being affixed to the second rigid insert distal end so as to extend integrally therefrom, said second rigid insert being adapted to extend into said second conduit section lumen such that the socket projects from the first conduit section, the socket being disposed around an exterior surface of the shell so as to receive the shell therein; and

a clamping member 30 disposed around the shell and engaging the socket and serving to sealingly and clampingly secure the male fitting to the female fitting and thereby fluidly couple the first conduit section to the second conduit section.

In regard to claim 61, the socket 12 flares from a position intermediated the proximal and distal ends and thereby defines an annular, inwardly facing groove that receives a seal 15.

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5. Claims 69-70 are rejected under 35 U.S.C. 102(b) as being anticipated by Guest.

In regard to claim 69, Guest discloses a conduit section 17 defining a conduit section lumen;

A fitting 19;

A rigid insert 19 defining a central lumen, a first raised detent 26, a second raised detent 26 axially spaced from the first raised detent and a third raised detent 26 axially spaced from the first and second raised detents, the rigid insert being affixed to the fitting and extending into the conduit section lumen;

a first retainer 10 positioned over the conduit section, the first retainer being a rigid, one piece annular member and being placed in substantial alignment between the first and second raised detents; and

a second retainer 18 positioned over the conduit section, the second retainer being a rigid, one piece annular member and being in substantial alignment between the second and third raised detents.

In regard to claim 70, the first retainer 10 straddles at least one of the first and second raised detents.

Allowable Subject Matter

6. Claims 35 and 68 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

7. Claims 30-34, 36-43, 64-67, 72 and 74-82 are allowed.

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8. Claims 52-59 and 63 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments with respect to claims 51, 61 and 69-70 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'David E. Bochna', with a stylized flourish at the end.

David E. Bochna
Primary Examiner
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